

AFGHAN LEGAL TRAINING PROGRAM

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OVERALL SUBSTANTIVE EVALUATION OF THE PROGRAM FOR THE FIRST
GROUP OF AFGHAN PARTICIPANTS, TRAINING PERIOD
JUNE 1973 - DECEMBER 1974

4p

This report summarizes and evaluates the activities of the first group of Afghan participants who attended the special legal training program at the National Law Center of The George Washington University from June 1973 to December 1974.

THE ACADEMIC PROGRAM

Regular Law School Classes and Special Seminars

As pointed out in earlier reports, the participants found attendance at regular law school classes difficult during their first semester here because of language problems and the lack of familiarity with American law school teaching methods. These difficulties were considerably eased during the second semester when most of the participants took several regular courses. During the two summer sessions the participants also took one or two regular courses. In the fall term 1974 most of the participants took again only one regular course because of the demands made upon them by the practical training program. While the load of reading assignments still was felt to be heavy, all participants found it manageable after the first semester.

A number of the regular courses were accompanied by special seminars established for the Afghan participants and taught by the same professor who taught the regular law school course. On the basis of the experience with the first group, and now again with the second group, it is felt that these special seminars accompanying the regular law school courses are an essential feature of the program. The participants generally have some hesitancy to participate in class discussions because their English is not as fluent as that of American students. Also, the problems are more easily clarified by the professor when he can give more individual attention in the special seminar where issues are dealt with on a comparative basis. In his talks with the individual participants the Project Coordinator found that they all regarded the special seminars as an eminently useful and indispensable part of the program. The enthusiasm for the special seminars was also shared by the professors who taught them. Both participants and professors valued the opportunity for closer contact and exchange of ideas.

Where there was a need, seminars especially designed for the Afghan participants were arranged independently of regular class work. The Project Coordinator taught a special seminar on the modernization of law in the Near and Middle East which gave an opportunity to discuss the law reforms in various Muslim countries in the region against the background of Afghanistan legal reforms and developmental needs. In the latter part of this seminar which continued throughout the eighteen months period with a break during the summer, some hypothetical Afghan cases were also discussed in moot court fashion, giving the participants an opportunity to apply the principles and methodology acquired during their studies here in an Afghan legal framework. Other special seminars were given in legislative drafting, constitutional law, and commercial papers. These topics were taught in special seminars either because most participants could not fit the topic into their schedule of regular classes (as in the case of constitutional law), or because the material had to be adjusted to their needs since

they lacked the background in basic courses which the American student has when he deals with these subjects.

In connection with the special seminars the participants also prepared research papers under the general category of "legal writing". These papers are comparable to term papers and gave the participants an opportunity to make use of the research tools in the law library. During the last semester the participants devoted considerable time and effort to the preparation of the research papers required by the Afghan Government. The preparation of these papers gave the participants additional opportunity for research and for the application of the experience gained here to problems related to Afghan law.

PRACTICAL WORK

The practical work, consisting of visits to courts, prosecutors' offices and attorney's offices began later than originally scheduled due to the person originally selected being unable to undertake the supervision of the practical work. However, practical work was started in early August under the supervision of a professor closely connected with clinical work at the National Law Center. The participants visited courts consulting with judges and prosecutors, followed trials and familiarized themselves with the administrative work of the courts. The participants also acquired an insight into legal aid work by attending interviews with indigent clients and following the cases involved. As far as possible the practical work was individualized to fill the needs of each participant; i.e. that of the prosecutors was focused primarily on the work of the American prosecutors, that of the judges on the judiciary. Most of the participants showed great initiative and profitted greatly from this practical experience which will be extended and intensified for successive groups.

THE QUESTION OF A DEGREE AND ATTITUDE TOWARD THE PROGRAM

Throughout their stay here the attitude of the participants toward the program was positive and a number of them made practical suggestions. The most persistent problem, as pointed out in earlier reports, was the concern over the Master of Comparative Law Degree (MCL). During the summer and fall 1974 a feeling developed among the participants that it was essential to obtain an MCL degree and that work should be directed primarily toward that objective. The participants did not neglect the work required by the program, but passing the Test of English as a Foreign Language (TOEFL) and accumulating enough credits in regular courses were goals that assumed emphasis. In the end, two participants passed the TOEFL and two others had such high averages in their law school work (above 80) that the National Law Center awarded them MCL degrees although their TOEFL scores were below the required minimum. Such exceptions will not be possible in the future, however, because of a tightening of university policy on this matter.

THE LANGUAGE PROBLEM

Knowledge of English is a major prerequisite for a successful pursuit of the program; there were wide variations in the first group since several participants had studied in an English-speaking country before entering the program. The need for additional training remained in all cases. At the end of the eighteen months all had made good progress and the gap had lessened. The assignment to the intensive language program at Georgetown University after arrival, where the participants worked

solely on the language, proved helpful, but English language training was continued for the first group in a special seminar during the fall semester 1973. Some of the participants continued language training during the spring semester 1974.

A specific difficulty which faces the participants in this program, and for that matter most foreign students, is the requirement of a special vocabulary for legal studies which differs in many respects from the ordinary vocabulary. It has been our experience that the participants adjust relatively quickly to the special legal vocabulary because they are exposed to it most of the day through class room work, reading assignments and research. They do not, however, always get very much opportunity to practice everyday English, especially where two or more participants share an apartment and use their native language for conversation. This can put participants at a disadvantage in taking the TOEFL which is a standard English test.

The present practice of giving the participants a year's training in English in Kabul before they leave for Washington, including familiarization with legal terminology is excellent. It has tended to simplify the language problem for the second group.

The training in regular law school courses and special seminars is an indispensable prerequisite for practical work. Without courses in such fields as criminal law and procedure, and evidence it would be impossible for a participant to understand the practical problems arising in courts and prosecutors' offices.

CONCLUSIONS AND EVALUATION

The Legal Training Program for the Afghan participants in the first group was, by necessity, experimental in nature. The program consisted of three main components, regular law school courses, special seminars and practical work and was directed not toward the achievement of a degree, but toward the accumulation of such knowledge and experience in American law and legal methodology as would best serve the participants after their return to Afghanistan. One of the tasks confronting the Project Coordinator was to find the right balance of these components to meet the needs of the individual participants. Some experience with regular law courses is considered important in all cases because it gives the participants an insight into the way in which law is taught in American law schools and, particularly, an introduction to the Socratic method. It was surmised when the program was conceived, and borne out by experience, that it would not be easy for the participants to follow regular law school courses in the first semester here. For this reason participants in the second group were advised to take only one regular course (4 credit hours) in the first semester. Again experience has shown that most of the participants are able to take two or three courses in the second semester. The special seminars held specifically for the Afghan participants have proven very successful and are essential to the program. The training program was devised as an eighteen month program. This appears to be a proper length for the majority of participants. The first semester is largely a period of adjustment to working and living in unaccustomed surroundings and adjusting to American legal teaching methods. In the second semester, the participants begin to hit their stride. This completes the first academic year. The participants can now begin to get a rounded picture of the American legal system. The last six months are best used to focus on each individuals' major interest in their practical work and final courses.

One question, discussed on many occasions before, concerns the degree. The program

is basically a non-degree program and, I believe, should remain so. As stressed many times, an individual participant can earn a degree of Master of Comparative Law if he fulfills the requirements of the law school for such a degree and if it does not interfere with the aims of the training program. A concentration on attainment of the degree can be disruptive of the effort an individual participant should expend within the framework of the program and strong competition within the group centered upon the degree can be detrimental to morale. I believe that in many cases the quest for a degree will be greatly lessened if the Afghan Government recognizes the certificate awarded to the participants at the end of the training period as having a value equivalent to that of an advanced degree. The first group was uncertain on this point and competition regarding the degree was therefore probably considerably stronger than it would be once this problem has been resolved in a positive way.

The comprehensive papers assigned by the Afghan Government with specific topics for each participant, provides an opportunity for putting the theoretical and practical experience gained here to work on a specific problem relating to Afghan law. Unless the Afghan Government has any objections, this requirement should be continued.

The program has received and is continuing to receive full support from the National Law Center and the University at large. A number of members of the faculty have participated directly in the program in special seminars. They found the experience very rewarding and are looking forward to working with further groups of Afghan participants. Several of them are working with the second group now.

Viewed in its proper context as the first and therefore experimental program, the training of the first group is regarded as having been successful. Improvements can and will be made, particularly regarding the practical side of the program. Also, the utilization of the participants after their return to Afghanistan, especially with regard to their instructing other members of the Afghan legal profession, is likely to yield suggestions which can be used in the training of the second and later groups.

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